

Application Serial No. 10/824,582
Reply to Office Action of October 10, 2006

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REMARKS

The application has been reviewed and revised in light of the Office Action mailed on October 10, 2006. Claims 1-5, 7-12, 14-18 and 22-24 are currently pending in the application, with Claims 1, 8, 15 and 22 being in independent form. By this amendment, Claims 6, 13 and 19-21 have been cancelled, Claims 1, 5, 8, 12, 15 and 19 have been amended and Claims 22-24 have been added. Support for the amendments can be found in the specification and drawings. No new matter or issues have been introduced by the amendments. In view of the amendments above and the following remarks, reconsideration and allowance of this application are respectfully requested.

Objection of Claim 12

Claim 12 was objected. Claim 12 has been amended in a manner which is believed to overcome the objection. Accordingly, withdrawal of the objection is respectfully requested.

Rejection of Claims 6 and 13

Claims 6 and 13 were rejected under 35 U.S.C. §112. Claims 6 and 13 have been cancelled. Accordingly, withdrawal of the rejection is respectfully requested.

**Rejection of Claims 1, 7, 8, 14, 15 and 18
Under 35 U.S.C. §102(e)**

Claims 1, 7, 8, 14, 15 and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,702,183 issued to Gregerson et al. (hereinafter "Gregerson et al."). Independent Claims 1, 8 and 15 have been amended in a manner which is believed to overcome the cited rejection.

Specifically, Claim 1 has been amended to recite "An actuator assembly ... comprising: means for providing for user selection of a mode selected from the group of modes consisting of: an omnidirectional mode for performing a read operation for reading an optical code oriented in

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any orientation included in the set of multiple orientations, a restricted omnidirectional mode for performing a read operation for reading the optical code when oriented only in an orientation of a reduced set of the set of multiple orientations, a parameter adjustment mode for adjusting at least one parameter of the omnidirectional scanner system, and an aim mode for illuminating a target object and disrupting a corresponding read operation....” Claims 8 and 15 have been amended to recite the same limitation underlined above.

Gregerson et al. is directed to a barcode scanner capable of being operated in one of three modes. In a first mode, an omnidirectional scan pattern is produced. In a second mode, a single line scan pattern is produced and decoding of barcodes is inhibited. In a third mode, a single line scan pattern is produced and barcodes falling within the field of view of the scanner are decoded.

Gregerson et al. does not disclose or suggest at least “a parameter adjustment mode for adjusting at least one parameter of the omnidirectional scanner system” as recited by independent Claim 1, and similarly recited by independent Claims 8 and 15. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to independent Claims 1, 8 and 15 and allowance thereof are respectfully requested.

Dependent Claims 7, 14 and 18 depend from independent Claims 1, 8 and 15, respectively, and therefore include the limitations of Claims 1, 8 and 15. Accordingly, for at least the same reasons given for Claims 1, 8 and 15, Claims 7, 14 and 18 are believed to contain patentable subject matter, and are therefore patentable for at least the reasons given above for independent Claims 1, 8 and 15. Accordingly, for at least the reasons stated above, reconsideration and withdrawal of the rejection of dependent Claims 1, 8 and 15 is respectfully requested and allowance of the dependent claims is earnestly solicited.

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Rejection of Claims 2-5, 9-12, 16 and 17 under 35 U.S.C. §103(a)

Claims 2, 3, 9, 10 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gregerson et al. in view of U.S. Patent No. 5,818,025 issued to Gregerson et al. (hereinafter "Gregerson et al. '025"). Claims 4, 5, 11, 12 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gregerson et al. in view of U.S. Patent No. 6,318,634 issued to Svetal et al. (hereinafter "Svetal et al."). Claims 2-5, 9-12, 16 and 17 depend from independent Claims 1, 8 and 15. Therefore, for at least the same reasons given above for independent Claims 1, 8 and 15, it is respectfully submitted that dependent Claims 2-5, 9-12, 16 and 17 are also believed to be patentable over the cited references, taken alone or in any proper combination.

Accordingly, Claims 2-5, 9-12, 16 and 17 are believed in to patentable over Gregerson et al., Gregerson et al. '025, and Svetal et al., taken alone or in any proper combination, and withdrawal of the rejection under 35 U.S.C. Section 103(a) with respect to Claims 2-5, 9-12, 16 and 17 and allowance thereof are respectfully requested.

Rejection of Claims 19-21 under 35 U.S.C. §103(a)

Claims 19-21 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,702,183 issued to Gregerson et al. (hereinafter "Gregerson et al."). Claims 19-21 have been cancelled. Accordingly, withdrawal of the rejection is respectfully requested.

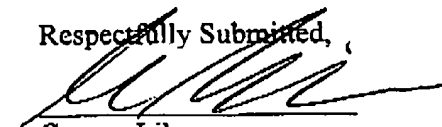
Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-5, 7-12, 14-18 and 22-24, are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested.

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Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,



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